

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

WESTERN EXPRESS, INC., )  
Plaintiff, )  
vs. ) No. \_\_\_\_\_  
CNA INSURANCE and AMERICAN )  
CASUALTY COMPANY OF READING, )  
PA, )  
Defendants. )

**NOTICE OF REMOVAL**

**TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

The Defendants CNA Insurance and American Casualty Company of Reading, PA respectfully show as follows:

1. On May 22, 2007, an action was commenced against the Defendants in the Chancery Court for Davidson County, Tennessee entitled Western Express, Inc. v. CNA Insurance and American Casualty Company of Reading, PA, Docket No. 07-1155-II, by the service upon the Defendants of a Summons and Complaint, copies of which are attached hereto. An Amended Complaint was served by mail on June 8, 2007. A copy of that Amended Complaint is also attached hereto.

2. The above-described action is a civil suit of which this Court has original jurisdiction under the provisions of Title 28, United States Code, § 1332, as there exists diversity of citizenship, and is one which may be removed to this Court by the Defendants pursuant to the provisions of Title 28, United States Code, § 1441.

3. There is a complete diversity of citizenship between the parties. Western Express, Inc. has alleged in its Complaint and Amended Complaint that it is a Tennessee corporation doing business in Nashville, Davidson County, Tennessee. There is no entity known as "CNA Insurance." "CNA" is a service mark used by a group of insurance companies, including Defendant American Casualty Company of Reading, PA, a Pennsylvania corporation whose principal office is in Chicago, Illinois.

4. The amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs. Plaintiff in its Amended Complaint asks for "an award of damages in the amount of all the premium paid during the policy year as to all three policies of insurance, a release of all collateral held by CNA" and other relief to which it may be entitled. In Exhibit A to the Amended Complaint, Western Express alleged in a Complaint to the Tennessee Commissioner of Insurance that it had an almost six-year relationship with CNA and that it has paid more than Nine Million, Nine Hundred Fifty-Seven Thousand Dollars (\$9,957,000) in premium to CNA and posted more than Nine Million Dollars (\$9,000,000) in collateral.

5. Written notice of the filing of this petition will be given to adverse parties as required by law. Copies of the pleadings previously filed in the Chancery Court of Davidson County are filed contemporaneously herewith with this Court.

**WHEREFORE**, Defendants pray that this action be removed to this Court and the Court accept jurisdiction of this action and henceforth that this action be placed on the docket of this Court for further proceedings, the same as though the action had originally been instituted in this Court.

Dated: June 20, 2007.

Respectfully submitted,

**NEAL & HARWELL, PLC**

By: s/ Ronald G. Harris  
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*Counsel for Defendants*

**CERTIFICATE OF SERVICE**

I certify that I have placed a true and exact copy of the foregoing in the United States mail, postage prepaid, addressed as follows:

Isham B. Bradley, Esq.  
Roland M. Lowell, Esq.  
7135 Centennial Place  
Nashville, TN 37209

This 20<sup>th</sup> day of June 2007.

s/ Ronald G. Harris